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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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10 Sarah June, et al.,)
11 Plaintiffs,) CV-08-8007-PCT-PGR
12 vs.)
13 TRC Four Corners Dialysis) ORDER
Clinics, LLC, et al.)
14 Defendants.)
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16 The plaintiffs' Second Amended Complaint (doc. #57)¹, filed August 22,
17 2008, improperly lists the plaintiffs as being "SARAH JUNE, surviving spouse and
18 heir of TSOSIE JUNE, SR., deceased; TINA JUNE, TSOSIE JUNE, JR.,
19 RONALD JUNE, ROBERT JUNE, JASON JUNE, NATHAN JUNE and GINA
20 JUNE, surviving children and heir of TSOSIE JUNE, SR., deceased."² Since this
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22 ¹
23 The document is actually a first amended complaint as no amended
complaint has previously been filed in this action.

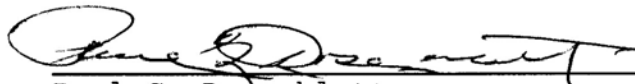
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25 As the Court has already advised counsel, see doc. #44, fn. 1, the total
26 capitalization of the parties' names in the caption of any document filed with the
Court violates LRCiv 7.1(a)(3).

1 is a wrongful death action, A.R.S. § 12-612(A) governs who may be a named
2 plaintiff. The Arizona courts have made it clear that the plain language of that
3 statute mandates that there be only a single plaintiff who acts for and on behalf of
4 all statutory beneficiaries. See e.g., Wilmot v. Wilmot, 58 P.3d 507,511
5 (Ariz.2002). The Court will therefore strike the Second Amended Complaint and
6 will require that an amended complaint be filed that properly names a statutory
7 plaintiff. Therefore,

8 IT IS ORDERED that the Second Amended Complaint and Jury Demand
9 (doc. #57) is stricken.

10 IT IS FURTHER ORDERED that an amended complaint that properly
11 names a statutory plaintiff in compliance with A.R.S. § 12-612 shall be filed no
12 later than September 5, 2008.

13 DATED this 25th day of August, 2008.

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16 Paul G. Rosenblatt
United States District Judge
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